

Production of women's jackets at Malcolm Clothing Corporation increased in 1978 compared to 1977, and increased in the first quarter of 1979 compared to the like quarter of 1978.

Malcolm Clothing Corporation is a contractor and has no sales of its own.

Conclusion

After careful review, I determine that all workers of Malcolm Clothing Corporation, Passaic, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of April 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

A. Morganstern & Co., Fredricksburg, Va. [TA-W-4857]

Morganstern Pants Co., Fredricksburg, Va. [TA-W-4869]

The investigation was initiated on February 28, 1979 in response to a worker petition received on February 26, 1979 which was filed on behalf of workers and former workers cutting men's pants at A. Morganstern and Company, Fredricksburg, Virginia and sewing men's pants at the Morganstern Pants Company, Fredricksburg, Virginia.

Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The average number of production workers at A. Morganstern & Company increased in 1978 compared to 1977, and remained unchanged in the first two months of 1979 compared to the first two months of 1978. Average quarterly employment of production workers either increased or remained unchanged in every quarter when compared to the same quarter the previous year from the first quarter of 1977 through the fourth quarter of 1978. The average number of production man-hours at A. Morganstern & Company increased in 1978 compared to 1977.

The average number of production workers at the Morganstern Pants Company increased in 1978 compared to 1977, and in the first two months of 1979 compared to the first two months of 1978. Average quarterly employment of production workers increased in every quarter when compared to the same quarter the previous year from the first

quarter of 1977 through the fourth quarter of 1978. The average number of production man-hours at the Morganstern Pants Company increased in 1978 compared to 1977.

Conclusion

After careful review, I determine that all workers of A. Morganstern & Company, Fredricksburg, Virginia and the Morganstern Pants Company, Fredricksburg, Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of April 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-13540 Filed 4-30-79; 8:45 am]

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Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of investigations regarding certifications of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. In the following determinations, at least one of the criteria has not been met.

Westboro Shoe Co., Inc., Dexter, Mo. [TA-W-4338]

The investigation was initiated on February 22, 1979 in response to a worker petition received on February 9, 1979 which was filed on behalf of workers and former workers producing men's golf and bowling shoes at Westboro Shoe Company, Incorporated in Dexter, Missouri. The investigation revealed that the plant does not produce men's golf shoes but does produce men's leather dress shoes, women's bowling and golf shoes, women's and children's jogging shoes and children's dress and play shoes. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation indicated that the

jogging shoes produced at Westboro Shoe Company, Incorporated were produced for a period of six months as a trial product. Employment declines since the last half of 1978 are attributable to discontinuing the production of jogging shoes.

Westboro Shoe Company, Incorporated is a plant owned by Inland Shoe Manufacturing Company, Incorporated, which began production in June 1977. Orders are obtained by Inland and distributed among three plants which include Westboro. Total production of Inland which includes all three plants increased in quantity in 1978 compared to 1977. Production is equivalent to sales at Inland Shoe Manufacturing Company, Incorporated.

Conclusion

After careful review, I determine that all workers of Westboro Shoe Company, Incorporated in Dexter, Missouri are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. Signed at Washington, D.C. this 20th day of April 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-13567 Filed 4-30-79; 8:45 am]

BILLING CODE 4510-28-M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Fibreboard Corp., Standard, Calif., Box Factory [TA-W-4914]

The investigation was initiated on March 12, 1979 in response to a worker petition received on March 5, 1979 which was filed by the Lumber and Sawmill Workers Union on behalf of workers and former workers producing box shooks (components of unassembled wood boxes) at the Standard, California Box Factory of Fibreboard Corporation, a subsidiary of Louisiana-Pacific Corporation. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that during the 1974-1978 period U.S. imports of wooden boxes (nailed, wirebound, and box shook) comprised less than two percent of domestic production. A customer survey conducted by the Department revealed that the major customer of the Box Factory did not purchase imported box shook or imported corrugated boxes. This customer purchased all its box shook and corrugated boxes from domestic sources.

Conclusion

After careful review, I determine that all workers of the Standard, California Box Factory of the Fibreboard Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of April 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

**Lewis Roth & Co., Los Angeles, Calif.
[TA-W-4831]**

The investigation was initiated on February 22, 1979 in response to a worker petition received on February 12, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's tailored suits, sportcoats and slacks at Lewis Roth and Company, Los Angeles, California. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department conducted a survey of customers of Lewis Roth and Company. The survey indicated that customers did not purchase imported men's better quality suits and sportcoats.

Conclusion

After careful review, I determine that all workers of Lewis Roth and Company, Los Angeles, California are denied eligibility to apply for adjustment

assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of April 1979

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-13568 Filed 04-30-79; 8:45 am]

BILLING CODE 4510-28-M

Office of Federal Contract Compliance Programs

Stay of Debarment; Loffland Brothers Co.

On April 17, 1979, a notice was published in the Federal Register which debarred Loffland Brothers Company, its officers, divisions and subsidiaries, and any and all purchasers, successors, assignees, and/or transferees, from the award of all Federal contracts and subcontracts, including agreements with Federal mineral leaseholders to perform work on Federal leaseholds, subcontracts which in whole or in part are necessary for prime contractors, such as oil companies, to fulfill their fuel requisitions with the Government and from extensions or other modifications of any existing Federal contracts or subcontracts.

On April 17, 1979, Loffland Brothers Company filed suit in the Federal district court at Tulsa, Oklahoma against the U.S. Department of Labor seeking to enjoin the debarment. On the same day, the debarment of Loffland Brothers Company, its officers, divisions and subsidiaries, and any and all purchasers, successors, assignees, and/or transferees was stayed by order of the court pending a resolution of that lawsuit in the district court. Accordingly, the debarment is stayed until further notice, and Executive Order 11246, as amended, constitutes no impediment to the Company etc., receiving Federal contracts and subcontracts during the interim.

Dated: April 26, 1979.

Weldon J. Rougeau,

Director, Office of Federal Contract Compliance Program.

[FR Doc. 79-13515 Filed 4-30-79; 8:45 am]

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Pension and Welfare Benefit Programs

Class Exemption Involving Closed-End Investment Company In-House Plans (Prohibited Transaction Exemption 79-13)

AGENCY: Department of Labor.

ACTION: Grant of Class Exemption.

SUMMARY: This class exemption permits, under certain conditions, the acquisition and sale of shares of certain registered closed-end investment companies by employee benefit plans which cover employees of either the company, its investment adviser, or an affiliate thereof.

FOR FURTHER INFORMATION CONTACT: William J. Flanagan of the Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, (202) 523-7931. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 6, 1979, notice was published in the Federal Register (44 FR 7242) of the pendency before the Department of Labor (the Department) of a proposal for a class exemption from the restrictions of sections 406 and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) of the Code for transactions described in an application filed by the Association of Publicly Traded Investment Funds (APTIF). The notice set forth a summary of facts and representations contained in the application, and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C.

The proposed class exemption contained in the notice of pendency permitted, under certain conditions, the acquisition, ownership or sale of shares of a closed-end investment company by an employee benefit plan covering only employees of such investment company, employees of the company's investment adviser, or employees of an affiliated person of such investment company or investment adviser. The proposed exemption applied only to in-house plans of closed-end investment companies which are registered under the Investment Company Act of 1940 and which are not small business investment companies as defined in the Small Business Investment Company Act of 1958. It was proposed to make the class exemption apply with respect to all transactions occurring after December 31, 1974.

The notice invited interested persons to submit written comments or requests for a hearing on the proposed exemption to the Department. No public comments and no requests for a hearing were received by the Department. The Department has determined to adopt the class exemption as proposed.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued, and the exemption is being granted, solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including the general fiduciary responsibility provisions of section 404 of the Act which require, among other things, that a fiduciary discharge his duties respecting the plans solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The exemption will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The class exemption is applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the plans.

Therefore, the exemption proposed in the notice of February 6, 1979 (44 FR 7242) as set forth below is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Effective for transactions occurring after December 31, 1974, the restrictions of sections 406 and 407(a) of the Act, and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1) of the Code, shall not apply to the acquisition, ownership or sale of shares of a closed-end investment company which is registered under the Investment Company Act of 1940 and is not a small business investment company as defined by section 103 of the Small Business Investment Company Act of 1958, by an employee benefit plan covering only employees of such investment company, employees of the investment adviser of such investment company, or employees of any affiliated person (as defined in section 2(a)(3) of the Investment Company Act of 1940) of such investment company or investment adviser, provided that the following conditions are met (whether or not such investment company, investment adviser, or any affiliated person thereof is a fiduciary with respect to the plan):

(a) The plan does not pay any investment management, investment advisory, or similar fee to such investment adviser or affiliated person. This condition does not preclude the payment of investment advisory fees by the investment company under the terms of its investment advisory agreement adopted in accordance with section 15 of the Investment Company Act of 1940;

(b) The plan does not pay a sales commission in connection with such acquisition or sale to any such investment company, investment adviser, or affiliated person; and

(c) All other dealings between the plan and such investment company, the investment adviser, or affiliated person are on a basis no less favorable to the plan than such dealings are with other shareholders of the investment company.

Signed at Washington, D.C., this 24th day of April, 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-13505 Filed 4-30-79; 8:45 am]

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LEGAL SERVICES CORPORATION

Grants and Contracts

April 26, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Susquehanna Legal Services in Williamsport, Pennsylvania to serve Lycoming County.
2. Southern Alleghenys Legal Aid in Johnstown, Pennsylvania to serve Somerset County.
3. Keystone Legal Services in State College, Pennsylvania to serve Juniata and Mifflin Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation,
Philadelphia Regional Office, 101 North 33rd Street, Suite 404, Philadelphia, Pennsylvania 19104.

Alice Daniel,

Acting President.

[FR Doc. 79-13483 Filed 4-30-79; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

April 26, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract or project."